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May 12, 2011

VIA ECF

Honorable Faith S. Hochberg  
United States District Judge  
United States Post Office and Courthouse Building  
Newark, New Jersey 07101

**Re: *In re Aetna UCR Litigation*, MDL 2020**  
**Master File No. 07-3541 (FSH) (PS)**

Dear Judge Hochberg:

I am writing on behalf of all Plaintiffs' and Defendants' counsel.

As the Court is aware, there is pending before it an issue concerning the timeliness and propriety of certain expert reports. By Order dated April 27, 2011, the Court referred the question of the propriety of certain expert reports to a Special Master, and it further directed that the parties prepare and submit two charts to assist the Court in evaluating the issue. I am pleased to report that the parties have met and conferred concerning whether a solution to this dispute could be reached without requiring the services of a Special Master and without further burdening the Court. Our efforts have been productive and resulted in a proposed Stipulation and Order for the resolution of this dispute underlying Defendants' February 2011 Motion to Strike [Docket Entry 749].

As set forth in the accompanying Stipulation and Proposed Order, the parties have negotiated a resolution which renders the pending Motion to Strike moot, permits the prompt completion of limited additional expert discovery, and provides Your Honor with as complete a record as possible in connection with Plaintiffs' pending class certification motion. In short, the parties have agreed that Defendants will withdraw their objections to the untimeliness of the expert declarations of Drs. Foreman and Rausser, provided that they be permitted to depose those experts on the most recent reports and respond with supplemental expert reports of their own. Plaintiffs, in turn, will be permitted to depose Defendants' experts on any supplemental reports,

Honorable Faith S. Hochberg  
May 12, 2011  
Page 2

after which Defendants will file a short supplemental brief on class certification issues, and Plaintiffs will file a reply. While the parties recognize that the record before the Court is already voluminous, we collectively believe that this approach is the best way to focus on substance and present the Court a complete class certification record, while at the same time relieving the Court of the need to adjudicate this contentious dispute.

We are hopeful that the approach we have crafted meets with Your Honor's approval. Of course, should the Court have any questions concerning the proposed Stipulation and Order, the parties stand ready to discuss it at your convenience.

Respectfully submitted,

CARELLA, BYRNE, CECCHI,  
OLSTEIN, BRODY & AGNELLO

/s/ James E. Cecchi

JAMES E. CECCHI

cc: All counsel (via ECF)